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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,384	07/09/2002	Cornelis F.T. Visser	000771.00029	4552
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BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			JACKSON, ANDRE K	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/070,384

Applicant(s)

VISSEER, CORNELIS F.T.

Examiner

André K. Jackson

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9-15,17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-15,17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of Satake and Joshi.

Regarding claim 1, Rogers discloses in the patent entitled "Method and apparatus for determining moisture content or other variables in organic materials" where volume of a quantity of growing substrate is determined (Column 2, line 46); the weight of the quantity of the growing substrate is determined by adjusting the weight on the arm (Column 4, lines 53-55). Rogers do not disclose where the density is then determined from the volume and the weight. However, Satake discloses in the patent entitled "Cereal grain moisture content measuring apparatus" where the density is then determined from the volume and the weight (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rogers to include where the density is then determined from the volume and the weight. By adding this feature the user would be able to determine density from two known parameters. Rogers does not disclose determining the moisture content by comparing the density with a comparison table. However, Joshi

discloses "Process and instrument for moisture measurement" determining the moisture content by comparing the density with a comparison table (Column 8, line 45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Rogers to include determining the moisture content by comparing the density with a comparison table. By adding this feature the user would be able to compare the different materials to the actual value to determine if the instrument is working properly.

3. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of Satake and McNeff et al.

Regarding claim 2, Rogers discloses where the volume of a quantity of growing substrate is determined (Column 2, line 46) and the weight of the quantity of the growing substrate is determined (Column 4, lines 53-55) and determining the moisture content of the quantity of growing substrate. Rogers does not disclose determining the specific density of the quantity of growing substrate from volume and weight and adding water to the quantity of bulk material until the weight associated with the desired moisture content is obtained. Rogers do not disclose where the density is then determined from the volume and the weight. However, Satake discloses where the density is then determined from the volume and the weight (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Rogers to include where the density is then determined from the volume and the weight. By adding this feature the user would be able to determine density from two known parameters. However, McNeff et al. disclose in the patent entitled "Grain moisture measuring apparatus and method" adding water to the quantity of bulk material until the weight associated with the desired moisture content is obtained (Column 4, lines 16-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogers to include adding water to the quantity of bulk material until the weight associated with the desired moisture content is obtained. By adding this feature the apparatus would be able to bring the moisture content of the grain up to an optimum level.

Regarding claim 3, Rogers does not disclose mixing the water with the bulk material. However, McNeff et al. disclose mixing the water with the bulk material (Column 4, lines 16-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Rogers to include mixing the water with the bulk material since mixing would distribute the water evenly.

4. Claims 4,10-11,17,19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satake in view of McNeff et al.

Regarding claim 4, Satake disclose has a supply vessel (8) placed on a weighing device, a feed device (6) and a discharge device (20). Satake does not disclose a computer. However, McNeff et al. disclose a

computer (70). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Satake to include a computer. By adding this feature the apparatus would be able to precisely determine the moisture content of the sample.

Regarding claim 10, Satake does not disclose where the water supply device is placed above the supply vessel in order to supply water to the vessel. However, McNeff et al. disclose where the water supply device is placed above the supply vessel in order to supply water to the vessel (Figure 2, 90). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Satake to include where the water supply device is placed above the supply vessel in order to supply water to the vessel. By adding this feature the user would be able to place the water directly on to the material while in the supply vessel.

Regarding claim 11, Satake does not disclose where the apparatus is provided with a dispensing device for dispensing additives. However, McNeff et al. disclose where the apparatus is provided with a dispensing device for dispensing additives (Figure 2, 90). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Satake to include where the apparatus is provided with a dispensing device for dispensing additives. By adding this feature

the user would be able to add different additives to the material and perform various measurements with those additives involved.

Regarding claim 17, Satake does not disclose where the water supply device is placed above the supply vessel in order to supply water to the vessel. However, McNeff et al. disclose where the water supply device is placed above the supply vessel in order to supply water to the vessel (Figure 2, 90). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Satake to include where the water supply device is placed above the supply vessel in order to supply water to the vessel. By adding this feature the user would be able to place the water directly on to the material while in the supply vessel.

Regarding claim 19, Satake does not disclose where the apparatus is provided with a dispensing device for dispensing additives. However, McNeff et al. disclose where the apparatus is provided with a dispensing device for dispensing additives (Figure 2,90). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Satake to include where the apparatus is provided with a dispensing device for dispensing additives. By adding this feature the user would be able to add different additives to the material and perform various measurements with those additives involved.

Regarding claim 20, Satake does not disclose where the apparatus is provided with a dispensing device for dispensing additives. However, McNeff et al. disclose where the apparatus is provided with a dispensing device for dispensing additives (Figure 2, 90). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Satake to include where the apparatus is provided with a dispensing device for dispensing additives. By adding this feature the user would be able to add different additives to the material and perform various measurements with those additives involved.

5. Claims 5-7,9 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satake in view of McNeff et al. and in further view of Bajema et al.

Regarding claim 5, Satake does not disclose a feed device that has a conveyor belt. However, Bajema et al. disclose a "Ground-crop harvester control system" which has a feed device, which does comprise a conveyor belt (20), a height sensor (abstract) and a computer (controller 100). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Satake to include a conveyor as a feed device, a height sensor and a computer. This addition would make it easier to transport the bulk material to a particular place within the system and determine if the material is over a particular height.



Regarding claim 6, Satake does not disclose where the measuring member comprises a laser source and a laser detector to determine the height of the material carried on the conveyor. However, Bajema et al. disclose where the measuring member comprises a laser source and a laser detector to determine the height of the material carried on the conveyor (Column 11, lines 55-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Satake to include where the measuring member could comprise a laser source and a laser detector to determine the height of the material carried on the conveyor since this would make the measuring member more accurate.

Regarding claim 7, neither Satake nor Bajema disclose where there is a leveling device placed above the conveyor belt upstream of the measuring member for leveling to a uniform height the material carried along the conveyor belt. However, it is well within the purview of the skilled artisan to have a constant height for the material carried along the conveyor belt in order for there to be a consistent measurement with the material.

Regarding claim 12, neither Satake does nor Bajema disclose where there is a leveling device placed above the conveyor belt upstream of the measuring member for leveling to a uniform height the material carried along the conveyor belt. However, it is well within the purview of

the skilled artisan to have a constant height for the material carried along the conveyor belt in order for there to be a consistent measurement with the material.

Regarding claims 9 and 13-16, it is considered a design choice and well within the purview of the skilled artisan to have a supply vessel that is tiltable to ensure that all of the material is out of the vessel.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-7,9-15,17,19 and 20 have been considered but are moot in view of the new grounds of rejection.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the

mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to André K. Jackson whose telephone number is (571) 272-2196. The examiner can normally be reached on Mon.-Thurs. 7AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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August 20, 2004

AJ

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